IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1001 OF 1984
With
FIRST APPEAL NO. 1000 OF 1984

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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NATIONAL INSURANCE CO. LTD. - Appellant(s)
Versus
ANSUYABEN PRABHAKAR MEHTA & ORS. - Respondent(s)

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Appearance :
Shri Rajni H. Mehta for Appellant(s).
None for Respondent (s) : 1.
None for Respondent(s) : 2 – 8, 11 – 12 though notice is served.
Respondent Nos.9 and 10 are deleted.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 27/07/2007

COMMON ORAL JUDGMENT

1. Though the Office Report shows that First Appeal No.1000 of 1984 has been disposed of by the Lok Adalat, but, unfortunately, the orders passed by the Lok Adalat on 25th September, 1987 are not available on the records. Under the circumstances, I take up both the appeals for hearing.

This order shall dispose of First Appeal Nos.1000 of 1984 and 1001 of 1984.

2. The appellant-Insurance Company has come to this Court with a submission that in view of transfer of the vehicle with possession and non-intimation of the fact to the Insurance Company, the contract of insurance would come to an end and the Insurance Company in view of the proved facts could not be held liable.

3. It is to be noted that in case of ***United India Insurance Company Limited vs. Tilak Singh***, reported at ***AIR 2006 SC 1576***, even if the intimation is not given to the Insurance Company, the Insurance Company cannot avoid its liability. The only ground, on which the appeals are filed, fails. Both the appeals are, accordingly, dismissed. No costs.

[R.S.Garg, J.]

*kamlesh**